

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JOAQUIN MURRIETTA
MARTINEZ,

Petitioner,

v.

DR. JEFFREY BEARD,

Respondent.

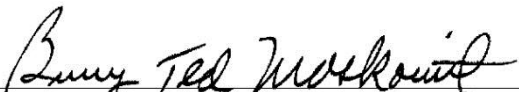
Case No.: 13cv1457 BTM(WVG)

**ORDER DENYING MOTION FOR
ENTRY OF DEFAULT AND
ISSUANCE OF WRIT**

Petitioner has filed a motion for entry of default and issuance of a writ of habeas corpus. However, the failure of a respondent to file a timely response to claims raised in a petition for habeas corpus does not entitle the petitioner to a default judgment and does not relieve the petitioner of his burden to show that he is in custody in violation of the Constitution of the United States. Gordon v. Duran, 895 F.2d 610, 612 (9th Cir. 1990); Shue v. Sisto, 2008 WL 427469 (E.D. Cal. Feb. 14, 2008). Therefore, Petitioner's motion is **DENIED**.

IT IS SO ORDERED.

Dated: September 3, 2015


Barry Ted Moskowitz, Chief Judge
United States District Court